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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,419	02/15/2002	Charles C. Anderson	84114AEK	3527

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EXAMINER

THOMPSON, CAMIE S

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,419

Applicant(s)

ANDERSON ET AL.

Examiner

Camie S Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 24-26 and 30-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment and accompanying remarks filed January 2, 2004 have been acknowledged.
2. Examiner acknowledges amended claims 1, 17 and 29.
3. The objection to the specification is withdrawn due to applicant's amended abstract.
4. The objection to claim 17 is withdrawn due to applicant's amended claim 17.
5. The rejection of claims 1-8 and 17-20 under 35 U.S.C. 102(e) as being anticipated by Patel et al., U.S. Patent 6,451,505 is withdrawn due to applicant's amended claim 1 and argument.
6. The rejection of claims 1, 9, 16 and 20-23 under 35 U.S.C. 103(a) as being obvious over Patel et al., U.S. Patent Number 6,451,505 in view of Heuer et al., U.S. Patent Number 6,287,713 is withdrawn due to applicant's amended claim 1 and argument.
7. The rejection of claims 1, 10-15 and 27-29 under 35 U.S.C. 103(a) as being obvious over Patel et al., U.S. Patent Number 6,451,505 in view of Malhorta, U.S. Patent Number 5,984,468 is withdrawn due to applicant's amended claim 1 and argument.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8, 17-20 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al., U.S. Patent Number 6,451,505 in view of EP 1172831.

Patel discloses an imageable element comprising a substrate and a first layer that comprises a photosensitive composition that absorbs actinic radiation, which describes radiation in the UV, visible or both spectral ranges as per instant claims 1-4 and 20 (see column 3, lines 10-35). Also, the reference discloses that the resin can be a water insoluble resin (see column 4, lines 48-50). Patel also discloses that the photothermal converter can comprise a dye as per instant claim 6 (see column 11, lines 1-6). Polyaniline and polythiophene are disclosed in the reference as conductive polymers used in the first layer as per instant claims 7-8 (see column 11, lines 1-25). Column 12, lines 3-31 of the reference discloses a radiation absorbing compound comprising 2-hydroxybenzophenone as per instant claim 5. Column 5, lines 26-43 of the reference disclose the use of polyhydroxy and polysulfonic acids used in the multilayer as per instant claims 17-18. Copolymers of vinyl acetate used as binders are disclosed in column 9, lines 4-12 as per instant claim 19. Further, a transparent film can be on the backside of the first layer as per instant claim 20 (see column 12, lines 26-31). The term "capable" does not add a positive recitation to the claim. Instant claim 20 does not have a clear distinction as to whether or not the first layer absorbs actinic radiation. The Patel reference does not disclose spacer elements sandwiched between the first and second conductive layers. The European reference discloses a sensor or touchscreen that comprises first and second conductive layers with spacer elements sandwiched between the first and second conductive layers as per instant claims 1 and 27-29 (see column 1, lines 1-60). The addition of spacer elements to the multilayer separate the first and second

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conductive layers, which allows the coversheet of the touchscreen to press the two conductive surfaces as shown by the European reference in column 1, lines 50-60. Therefore, it would have been obvious to one of ordinary skill in the art to use spacer elements in order to complete the electric circuit of the touchscreen as provided by the European reference in column 1.

10. Claims 1,9, 16 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al., U.S. Patent Number 6,451,505 in view of EP 1172831 and in further view of Heuer et al., U.S. Patent Number 6,287,713.

Patel discloses an imageable element comprising a substrate and a first layer that comprises a photosensitive composition that absorbs actinic radiation, which describes radiation in the UV, visible or both spectral ranges as per instant claims 1 and 20 (see column 3, lines 10-35). Patel also discloses that the photothermal converter can comprise a dye as per instant claim 6 (see column 11, lines 1-6). Further, a transparent film can be on the backside of the first layer as per instant claim 20 (see column 12, lines 26-31). The Patel reference does not disclose spacer elements sandwiched between the first and second conductive layers. The European reference discloses a sensor or touchscreen that comprises first and second conductive layers with spacer elements sandwiched between the first and second conductive layers as per instant claims 1 and 27-29 (see column 1, lines 1-60). The addition of spacer elements to the multilayer separate the first and second conductive layers, which allows the coversheet of the touchscreen to press the two conductive surfaces as shown by the European reference in column 1, lines 50-60.

Therefore, it would have been obvious to one of ordinary skill in the art to use spacer elements in order to complete the electric circuit of the touchscreen as provided by the European reference in column 1.

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Neither Patel nor the European reference discloses that the conductive polymer is a polyethylenedioxythiophene as per instant claim 9. Heuer teaches an electroluminescent assembly such as a multilayer in a light emitting diode as per instant claims 21-23 (see column 1, lines 4-68). Heuer teaches a polyethylenedioxythiophene with substituted or unsubstituted groups as described in claim 16 (see column 2, 16-51). The polyethylenedioxythiophene compound provides high light flux as disclosed by Heuer in column 2, lines 3-4. Therefore, it would have been obvious to one of ordinary skill in the art to include substituted or unsubstituted polyethylenedioxythiophene in place of the conductive polymer as in instant claim 16 in order to obtain greater light emission.

11. Claims 1, 10-15 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al., U.S. Patent Number 6,451,505 in view of EP 1172831 in view Malhorta, U.S. Patent Number 5,984,468.

Patel discloses an imageable element comprising a substrate and a first layer that comprises a photosensitive composition that absorbs actinic radiation, which describes radiation in the UV, visible or both spectral ranges as per instant claims 1 and 20 (see column 3, lines 10-35). The reference discloses that the resin can be a water insoluble resin (see column 4, lines 48-50). Further, a transparent film can be on the backside of the first layer as per instant claim 20 (see column 12, lines 26-31). The Patel reference does not disclose spacer elements sandwiched between the first and second conductive layers. The European reference discloses a sensor or touchscreen that comprises first and second conductive layers with spacer elements sandwiched between the first and second conductive layers as per instant claims 1 and 27-29 (see column 1, lines 1-60). The addition of spacer elements to the multilayer separate the first and second

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conductive layers, which allows the coversheet of the touchscreen to press the two conductive surfaces as shown by the European reference in column 1, lines 50-60. Therefore, it would have been obvious to one of ordinary skill in the art to use spacer elements in order to complete the electric circuit of the touchscreen as provided by the European reference in column 1.

Neither the Patel nor the European reference discloses that the resin sandwiched between the first and second layer comprises microspheres as per instant claim 10. Malhorta teaches a multilayer where microspheres are located between the first and second layers (see column 5, lines 35-37).

The Malhorta reference teaches a multilayer that is used as an imageable element. Additionally, Malhorta teaches that the microspheres can be hollow or solid and can be a cross-lined polymer such as vinylidene chloride-acrylonitrile as per instant claims 13-15 (see column 5, lines 35-64).

Malhorta discloses that the microspheres can be embedded into one or both surfaces of the substrate and the first and second layers by size press treatment as per instant claims 27-29 (see column 16, lines 4-33). The addition of embedded microspheres improves properties of the layer such as the coefficient of friction. Therefore, it would have been obvious to one of ordinary skill in the art to have embedded microspheres in the polymeric layers and substrate in order to increase the surface properties of the multilayer.

Response to Arguments

12. Applicant's arguments with respect to claims 1-23 and 27-29 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly, can be reached at (571) 272-1526. The fax phone number for the Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CYNTHIA H. KELLY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

